

## AN ORDINANCE **97683**

### **AMENDING CHAPTER 11 OF THE CITY CODE TO ALLOW LIMITED SALES AND POSSESSION OF FIREWORKS IN THE AREAS ANNEXED FOR LIMITED PURPOSES AND AMENDING THE REGULATORY PLAN FOR THE AREAS TO CONFORM TO THE CHANGES IN CHAPTER 11.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio Fire Department has agreed to support the sale of fireworks in the limited purpose annexation area under these conditions: 1) the use of fireworks would not be permitted in the limited purpose annexation area; 2) those who purchase fireworks would be required to transport them away from the full and limited purpose areas of the City; and 3) if no additional fireworks stands would be allowed to conduct sales other than those that were legally used in July of 2002; and

**WHEREAS**, approval of this Ordinance will allow the sale of fireworks in the limited purpose annexation area; and

**WHEREAS**, the City Council finds that the changes are necessary to the orderly transition of land uses within the limited purpose areas and amendments to the various regulatory plans are justified by the circumstances; **NOW THEREFORE**;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Section 11-40 of the City Code of the City of San Antonio is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~):

7801.3.3 Unlawful Possession of Fireworks. Add Section:

a). It shall be unlawful for any person to have, keep, store, sell, offer for sale, give away, use, transport or manufacture fireworks or pyrotechnics of all kinds in any quantity, within the full purpose corporate limits of the city, or to sell or offer for sale, such fireworks within an area extending five thousand (5,000) feet beyond the full or limited purpose city limits; except,

1) those within such five thousand (5,000) foot area beyond such full or limited purpose city limits which are held to be a state and federally licensed importer or distributor established within such five thousand (5,000) foot area prior to the enactment of this section for storage or for distribution to or sale to governmental agencies or federal or state licensees or permittees; or,

2) during the period beginning on the effective date of this Ordinance and ending at 12:01 a.m., Central Standard Time, January 5, 2006, at those locations within the limited purpose corporate limits of the city at which retail sales of fireworks or pyrotechnics were legally offered for sale on July 1, 2002.

b. Further, except as set out below, it shall be unlawful for any person to have, keep or use fireworks or pyrotechnics of all kinds in any quantity, within the limited purpose corporate limits of the city. However it shall be lawful for any person to have, keep, store, or transport, fireworks or pyrotechnics of all kinds in any quantity, within the limited purpose corporate limits of the city if, but only if:

- 1) the person purchased the fireworks or pyrotechnics from a retail location within the limited purpose corporate limits as permitted by this Section 7801.3.3;
- 2) such person immediately transports the fireworks or pyrotechnics so purchased by the most expeditious available route out of and away from the full or limited purpose corporate limits of the city; and,
- 3) the person does not use the fireworks or pyrotechnics within either the full or limited purpose corporate limits of the city.

#### Section 7801.3.4 Instigating or Aiding a Minor to Violate the Ordinance Prohibiting Fireworks. Add Section:

No person shall furnish money or a thing of value to a minor for the purchase of fireworks or encourage, act in conjunction with or in any manner instigate or aid a minor in the act of having, keeping, storing, selling, offering for sale, giving away, using, transporting, or manufacturing fireworks within or five thousand (5,000) feet beyond the full or limited purpose corporate limits of the city. This shall be an offense regardless of whether the minor has been found guilty of the offense. The commission of the offense by a minor on any property under the control or owned by the parent, or guardian of said minor shall be prima facie proof that the relation or guardian was instigating or aiding the minor. This Section 7801.3.4 shall not apply if the minor

- 1) is greater than sixteen years of age,

2) possesses a valid drivers license and  
3) is otherwise legally transporting the fireworks as permitted by state law  
and Section 78301.3.3(b) of this code in the limited purpose corporate  
limits.

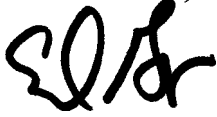
**SECTION 2.** The City Clerk for the City of San Antonio is hereby directed to publish notice of this Ordinance as required by the Charter of the City of San Antonio and the laws of the State of Texas.

**SECTION 3.** All other provisions of Chapter 11, Section 40, of the City Code of the City of San Antonio shall remain in full force and effect except as expressly amended by this Ordinance.


**SECTION 4.** The Regulatory Plans for the areas annexed for Limited Purposes by Ordinance Numbers 96557, Southside Initiative Area 1; 96558, Southside Initiative Area 2; 96559, Southside Initiative Area 3; 96560, Southside Initiative Area 4; 96561, Southside Initiative Area 5; and 96562, Southside Initiative Area 6 (all of which were adopted on November 21, 2002) are hereby amended as necessary to conform to the provisions of this Ordinance. All other provisions of the cited Regulatory Plans shall remain in full force and effect.

**SECTION 5.** This Ordinance will be effective on June 8, 2003.

**PASSED AND APPROVED ON THIS 29<sup>th</sup> DAY OF MAY, 2003.**

  
M A Y O R  
EDWARD D. GARZA

ATTEST:   
[City Clerk]

APPROVED AS TO FORM:   
for City Attorney